

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHERYL HARDING and MILTON CYNTJE

2007 CIV 8344 (SAS)

Plaintiffs,

**RULE 26
INITIAL
DISCLOSURE**

- against -

THE AUTOMOBILE INSURANCE COMPANY
OF HARTFORD, CONNECTICUT,

Defendant.
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Defendant THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD, CONNECTICUT, hereinafter referred to as "AICHC", by its attorneys, SPEYER & PERLBERG, LLP, hereby sets forth as and for AICHC's Voluntary Disclosure pursuant to Rule 26 of the Federal Rules of Civil Procedure, as follows:

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

1. Plaintiffs and their principals, employees and/or agents.
2. Mr. Eric Cooleen, AICHC, P.O. Box 9093, Melville, New York 11747.
Telephone (516) 579-0402.
3. Mr. Frank Serino, AICHC, P.O. Box 9093, Melville, New York 11747.
Telephone (914) 251-2342.
4. Mr. Kenneth Clancy, AICHC, P.O. Box 9093, Melville, New York 11747.
Telephone (917) 364-8951.

5. Mr. Jim Foster, AICHC, P.O. Box 4735, Syracuse, New York 13221 (877) 878-2468.

6 Mr. Vincent Salierno, Rebuild General Contractors, Inc. P.O. Box 143, Bedford, New York 10506. Telephone (914)234-9669.

7. Allways Electric Corp., 262 Orinoco Drive, Brightwaters, New York 11718. Telephone (631) 666-0477.

8. Servicemaster Professional, P.O. Box 564307, College Point, New York 11356. Telephone (718) 461-4357.

9. Insight Environmental, Inc. 74 East Main Street, Suite 1, Patchogue, New York 11772. Telephone (631) 654-2780.

10. Jenny Charles, HSBC Insurance Agency Inc., 95 Washington Street, Floor 5 North, Buffalo, New York. (716) 841-0815 and (888) 472-2872.

11. Kim Stobnicki, HSBC Insurance Agency Inc., 95 Washington Street, Floor 5 North, Buffalo, New York. (888) 472-2872.

12. Anne Marie Concialdi, HSBC Insurance Agency Inc., 95 Washington Street, Floor 5 North, Buffalo, New York. (716) 841-0212 and (888) 472-2872.

13. Michael and Tasha Belgrave, 1417 Noble Avenue, Bronx, New York 10472, telephone number unknown

14. Adrienne Roebuck, address unknown, telephone number unknown

B. A copy of, or description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody,

or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment purposes.

1. Copy of the policies of insurance issued by AICHHC to Sheryl Harding & Milton Cyntje, policy # 977255040-633-1, with policy periods of November 18, 2004 through November 18, 2005, and November 18, 2005 through November 18, 2006, annexed hereto as "Exhibit A".

2. Applications for insurance submitted by the plaintiffs to AICHHC.

3. Documents maintained by AICHHC with regard to Claim # UPZ5304, including, but not limited to:

- a. Estimate of Rebuild General Contractors, Inc.;
- b. Calculation of Actual Cash Value performed by AICHHC General Adjuster Eric Cooleen;
- c. Estimates of ServiceMaster Professional;
- d. Estimate and invoices of AllWays Electric Corp.;
- e. Report and invoice of Insight Environmental, Inc.;
- f. Letter of denial of coverage dated October 30, 2007;
- g. Reservation of rights letter dated September 7, 2006;
- h. Claim file notes – redacted to remove privileged material and material made in preparation for litigation;
- i. Signed statement of insured Milton Cyntje dated 9/7/06;
- i. Homeowner Application for insurance signed and submitted by the insured to the Defendant.

Collectively annexed hereto as "Exhibit B".

- j. Recorded statement of Michael Belgrave, in defendant's possession at the law offices of Speyer & Perlberg, LLP

4. Transcripts of testimony at examinations under oath of Sheryl Harding and Milton Cyntje, previously provided to plaintiffs and in defendant's possession at the law offices of Speyer & Perlberg, LLP.

5. Relevant portions of defendant's underwriting guidelines regarding HO –3 Homeowners policy – redacted to remove privileged, irrelevant and proprietary material. Annexed hereto as "Exhibit C".

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

The Defendant is not making a claim for damages. However, the Defendant offers its computation of damages in the event that coverage for this loss exists, which Defendant denies.

- a. Building claim breakdown performed by Mr. Eric Cooleen of AICHC, determining and actual cash value of \$82,741.56.
- b. Replacement cost value of the premises estimate performed by Rebuild General Contractors, Inc. totaling \$100,392.86;

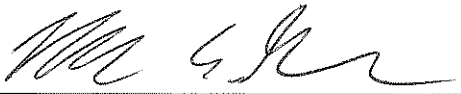
See "Exhibit B"

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

See "Exhibit A".

Dated: Melville, NY
January 18, 2008

Yours, etc.
SPEYER & PERLBERG, LLP

By: 
Marie E. Garelle (MG-1217)
Attorneys for Defendant
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Melville, NY 11747
(631) 673-6670
Our File No.: 06-0174

TO: WILKOFISKY, FRIEDMAN, KAREL
& CUMMINS
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File No.:

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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

ROSALIE SCHREIBER, being duly sworn deposes and says:

That deponent is not a party to this action, is over eighteen (18) years of age and resides in East Rockaway, New York 11729.

That on the 18TH day of January, 2008, deponent served the within **RULE 26 INITIAL DISCLOSURE** upon:

WILKOFSKY, FRIEDMAN, KAREL & CUMMINS


Attorneys for Plaintiffs
299 Broadway, Suite 1700
New York, New York 10007

the addresses designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.



ROSALIE SCHREIBER

Sworn to before me this
18th day of January, 2008



NOTARY PUBLIC

Marie E. Garella
Notary Public - New York State
No. 02GA6077032
Qualified in Suffolk County
My Comm. Expires 7/01/2010